THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 19832 of 2005

DATED: 08-09-2005

Between:

Tata Rama Krishna, S/o. Late Tata Sri Rama Murthy,
R/o. Ilavaram, Bhattiprolu Mandal, Guntur District.

..... PETITIONER

AND

1 Sri Rameswara Swamy Vari Devasthanam,

Ilavaram, Bhattiprolu Mandal, Rep by its Manager

2 The Asst. Commissioner of Endowments, Guntur.

3 Dy. Commissioner of Endowments, Guntur.

4 Vanapalli Sambasivarao, S/o. Kurmarao, Hindu,
R/o. Ilavaram Village, Bhattiprolu Mandal,
Guntur District.

5 Ganti Srinivasa Rao, S/o. Subba Rao, Hindu,
R/o. Ilavaram Village, Bhattiprolu Mandal,
Guntur District.

6 Gattu Venkataratnam, S/o. Srimannarayana, Hindu,
R/o. Ilavaram Village, Bhattiprolu Mandal,
Guntur District.

7 Adigopula Nageswara Rao, S/o. Venkateswarlu, Hindu,
R/o. Ilavaram Village, Bhattiprolu Mandal,
Guntur District.

.....RESPONDENTS

Counsel for the Petitioner: Mr.N.GURU GOPAL

Counsel for the Respondents No.1 to 3: GP FOR ENDOWMENTS

Counsel for the Respondents No.4 to 7 : Ms. I. INDRANI

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ORDER:

This writ petition is filed to declare that the 1st Additional Junior Civil Judge, Repalle has no jurisdiction to entertain the suit in O.S. No. 348 of 2005.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 to 3.

Learned counsel for the petitioner contended that under Section 85(3), 150 and 151 of the Endowments Act, and also as per the decision of this Court reported in "***Labhala Samanthakamani v. The Court of District Munsif, Ichapuram, and others"*** the Civil Courts have no jurisdiction. He further contended that in view of Section 85(3), the civil court is totally debarred from entertaining the suit.

In the above said suit, the present petitioner is not a party. No order has been passed in favour of the petitioner by the concerned authorities to declare him as a landless poor person. When the petitioner raised an objection that the civil court has no jurisdiction, nothing prevented him to add him as a party in the suit and raise such an objection.

Therefore, the writ petition is devoid of merits and accordingly dismissed leaving open to the petitioner to avail all the remedies available under the law. No order as to costs.

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K.C.BHANU, J.

Dated:08-09-2005.

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